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**Court of Appeals
Fifth District of Texas at Dallas**

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February 3, 2020

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RE: Court of Appeals Number: 05-19-01492-CR
Trial Court Case Number: F-1952721-R
Style: Andrew Anderson v. The State of Texas

Counsel:

The clerk's and reporter's records have been filed in the above appeal. After reviewing the clerk's record, the Court has questions regarding its jurisdiction over this appeal. Specifically, the notice of appeal (file-stamped December 2, 2019) appears untimely with respect to the October 7, 2019 judgment. Although the record shows the notice of appeal was mailed and postmarked November 4, 2019, it was mailed to the trial court and not to the proper clerk. *See* TEX. R. APP. P. 9.2 (document received within ten days after filing deadline considered timely if sent to proper clerk); *Campbell v. State*, 320 S.W.3d 338, 344 (Tex. Crim. App. 2010) ("pleadings of pro se inmates shall be deemed filed at the time they are delivered to prison authorities for forwarding to the *court clerk*") (emphasis added); *Turner v. State*, 529 S.W.3d 157, 159 (Tex. App. —Texarkana 2017, no pet.) (holding prisoner mailbox rule did not apply because appellant sent notice of appeal to trial judge, not district clerk). The notice of appeal appears to have been received by the clerk on December 2, 2019, which is outside the thirty-day period contemplated by rules of appellate procedure.

So that the Court may determine the threshold issue of jurisdiction, appellant is directed to file a letter brief regarding the jurisdictional question by **February 21, 2020**. The State may file its letter brief at any time before **March 3, 2020**. *Any party relying on information not before this Court must obtain a supplemental record containing that information.*

After it has reviewed the jurisdictional briefs, the Court will either dismiss the appeal for want of jurisdiction, notify the parties by letter that the Court has jurisdiction over the appeal and

of the pending merits briefing deadlines, or defer the jurisdictional issue to the submission panel and notify the parties of the pending merits briefing deadlines.

Respectfully,

/s/ Lisa Matz, Clerk of the Court

LM/cg